IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
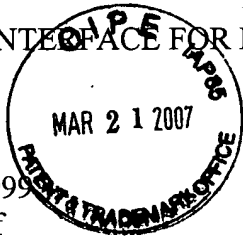
Applicant: F. Devon Taylor et al.

Title: COMMUNICATION INTERFACE FOR PROVIDING ACCOUNTING SUPPORT FOR PRINT SERVICES

Docket No.: 1565.028US1   Serial No.: 09/390,954
Filed: September 7, 1999   Due Date: March 17, 2007 (Sat.)
Examiner: Michael A. Cuff   Group Art Unit: 3627

[USPTO stamp: MAR 2 1 2007]

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

X   Appeal Brief Under 37 CFR 41.37 (22 pgs.) including authorization to charge Deposit Account 19-0743 in the amount of $500.00 to cover the Appeal Fee.

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_____   _____
Name   Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants: F. D. Taylor et al.   Examiner: Michael A. Cuff

Serial No.: 09/390,954   Group Art Unit: 3627

Filed: September 07, 1999   Docket: 1565.028US1

Title: COMMUNICATION INTERFACE FOR PROVIDING ACCOUNTING
SUPPORT FOR PRINT SERVICES

APPEAL BRIEF UNDER 37 CFR § 41.37

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P.O. Box 1450
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The Appeal Brief is presented in response to the Notice of Panel Decision from Pre-Appeal Brief Review mailed on February 7, 2007 and further in support of the Notice of Appeal to the Board of Patent Appeals and Interferences, filed on January 17, 2007, from the Final Rejection of claims 1-17 of the above-identified application, as set forth in the Final Office Action mailed on November 17, 2006.

The Commissioner of Patents and Trademarks is hereby authorized to charge Deposit Account No. 19-0743 in the amount of $500.00 which represents the requisite fee set forth in 37 C.F.R. § 41.20(b)(2). Appellants respectfully request consideration and reversal of the Examiner's rejections of pending claims.

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

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1. REAL PARTY IN INTEREST

The real party in interest of the above-captioned patent application is the assignee, NOVELL, INC., as evidenced by the assignment from the inventors recorded October 14, 1999 at Reel 010302, Frame 0406.

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2. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellants that will have a bearing on the Board's decision in the present appeal.

3. STATUS OF THE CLAIMS

The present application was filed on September 7, 1999 with claims 1-17. A non-final Office Action was mailed June 15, 2006. A Final Office Action (hereinafter "the Final Office Action") was mailed November 17, 2006. Claims 1-17 stand twice rejected, remain pending, and are the subject of the present Appeal.

4. STATUS OF AMENDMENTS

No amendments have been made subsequent to the Final Office Action mailed November 17, 2006.

5. SUMMARY OF CLAIMED SUBJECT MATTER

Some aspects of the present inventive subject matter include, but are not limited to, communication interfaces for providing accounting support for print services.

INDEPENDENT CLAIM 1

1.   A communication interface between an accounting application and a printer agent application executing on a computer network, the interface comprising:

application programming interface (API) functions exchanged and bound between applications that provide accounting support services, wherein the accounting support services are directed to a print job, and the print job is directly received by a printer agent from a print client, the printer agent and the accounting support services reside on a server within a network, and wherein the accounting support services include tracking production of the print job and computer network resources consumed by the job, the API functions comprising a first print service API that is called by the printer agent before the print job is created and sent to a printer and that enables the accounting application to one of reject the print job, accept the print job and instruct the printer agent to place an accounting hold on the print job, and wherein the accounting support services are separate and apart from the printer agent and the printer agent is separate and apart from the printer. *[FIGS. 1-3 reference numerals 110, 150, 300 of FIG. 1; reference numerals 110, 212, 262, and 300 of FIG. 2; reference numerals 110,300, 320, and 330 of FIG. 3; Specification page 2 penultimate paragraph through page 3 in its entirety; page 10 last paragraph and continuing to page 11; and see page 5 first full paragraph; page 6 last paragraph and continuing through page 13]*

INDEPENDENT CLAIM 5

5.   A method for communicating between applications executing on a computer network, the method comprising the steps of:

providing an accounting application configured to run on a first device coupled to the network; *[FIG. 3 reference numeral 320; specification page 6 last paragraph and continuing to first paragraph on page 7; page 8 first and second full paragraphs; page 9 first full paragraph and continuing through at least page 10; and the text of original claim 5 filed with the application]*

providing a printer agent application configured to run on a second device coupled to the network, the printer agent interacting with a printer on the network and containing information about the printer, and wherein the first and second device reside in a server within the network; and *[FIG. 3 reference numeral 330; specification page 7 first full paragraph through first paragraph page 8; and the text of original claim 5 filed with the application]*

exchanging application programming interface (API) function calls and binding the same between applications that provide accounting support services for a print job, and wherein the print job is directed to the printer via the printer agent, the accounting support services include tracking production of the print job and resources consumed by the print job, wherein the accounting support services are separate and apart from the printer agent and the printer agent is separate and apart from the printer, and wherein the print job is received from a print client over the network. *[FIG. 2; specification page 5 last paragraph and continuing to penultimate paragraph of page 6; FIGS. 1 and 3 reference numerals 116; page 7 in its entirety; Summary of the Invention Section in its entirety; FIG. 3 reference numerals 320 and 116; and the text of original claim 5 filed with the application]*

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INDEPENDENT CLAIM 12

12.   A computer readable medium containing executable program instructions for communicating between applications executing on a computer network, the executable program instructions comprising program instructions for:

configuring an accounting application to run on the computer, which is a server in a client server network arrangement; *[FIG. 3 reference numerals 300, 320, 110; FIG. 1 reference numerals 110, 150, and 300; specification page 5 first full paragraph; page 5 last paragraph and page 6 last paragraph]*

configuring a printer agent application to run on the computer, the printer agent interacting with a printer on the network and containing information about the printer; and *[FIG. 3 reference numerals 300, 330 and 116; FIG. 1 reference numerals 110, 150, 300; specification page 5 first full paragraph; page 6 last paragraph and continuing through page 8]*

exchanging application programming interface (API) function calls and binding the same between applications that provide accounting support for services relating to a print job, which is received by the printer agent and directed to the printer, the accounting support services include tracking production of the print job and computer resources consumed by the print job, and wherein the accounting support services are separate and apart from the printer agent and the printer agent is separate and apart from the printer, and wherein the print job originates from a print client over the network and within the client server network arrangement. *[FIG. 2; specification page 5 last paragraph and continuing to penultimate paragraph of page 6; FIGS. 1 and 3 reference numerals 116; page 7 in its entirety; Summary of the Invention Section in its entirety; FIG. 3 reference numerals 320 and 116; and the text of original claim 5 filed with the application]*

This summary does not provide an exhaustive or exclusive view of the present subject matter, and Appellant refers to the appended claims and its legal equivalents for a complete statement of the invention.

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

§102 Rejection of the Claims

Claims 1-17 were rejected under 35 U.S.C. § 102(b) for anticipation by Bennett et al. (U.S.
5,146,344 – hereinafter "Bennett").

7. ARGUMENT

A) The Applicable Law under 35 U.S.C. §102(b)

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. M.P.E.P § 2131. To anticipate a claim, a reference must disclose every element of the challenged claim and enable one skilled in the art to make the anticipating subject matter. *PPG Industries, Inc. V. Guardian Industries Corp.*, 75 F.3d 1558, 37 USPQ2d 1618 (Fed. Cir. 1996). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). *Emphasis Added.*

B) Discussion of the rejections of claims 1-17 under 35 U.S.C. § 102(b) as being anticipated by Bennett.

Claims 1-17 were rejected under 35 U.S.C. § 102(b) as being anticipation by Bennett. This rejection is respectfully traversed, Appellant respectfully submits that the Final Office Action has made an improper prima facie showing of anticipation at least because Bennett fails to teach client server limitations and a network limitations as recited in the rejected claims.

Independent claim 1 states the following limitations that are not taught and are not suggested in any manner in the Bennett reference: "print job is directly received by a printer agent from a print client, the printer agent and the account support services reside on a server within a network," "enables the accounting application to one of reject the print job, accept the print job and instruct the printer agent to place an accounting hold on the print job," and "the accounting support services are separate and apart from the printer agent and the printer agent is separate and apart from the printer."

Independent claim 5 includes the following limitations that are not taught and are not suggested in any manner in the Bennett reference: "printer agent interacting with a printer on the network, and wherein the first and second device reside in a server within the network," "the

print job is directed to the printer via the printer agent," and "the accounting support services are separate and apart from the printer agent and the printer agent is separate and apart from the printer, and wherein the print job is received from a print client over the network."

Independent claim 12 includes the following limitations that are not taught and are not suggested in any manner in the Bennett reference: "configuring an accounting application to run on the computer, which is a server in a client server network arrangement," "configuring a printer agent application to run on the computer, the printer agent interacting with a printer on the network," and the accounting support services are separate and apart from the printer agent and the printer agent is separate and apart from the printer, and wherein the print job originates from a print client over the network within the client server network arrangement."

Bennett has a file date of 1990. It is directed to a standalone print station. There is not a single reference in any form to the terms "network," "client," or even "server" in the Bennett reference. Thus, the only way in which the Examiner can sustain the rejections of record is if these terms and limitations are determined to be inherent within or suggested by Bennett.

Wikopedia (www.wikopedia.org) defines a computer network as "A computer network is two or more computers connected together using a telecommunication system for the purpose of communicating and sharing resources." Merriam-Webster Online (http://www.m-w.com/) defines a network as: "a system of computers, peripherals, terminals, and databases connected by communications lines." *Emphasis added.*

In fact, Appellant cannot find a single credible definition where "network" does not include at least "two computers" connected together using communication lines.

Wikopedia defines a "client" as: "[a] client is a computer system that accesses a (remote) service on another computer by some kind of network." Wikopedia defines "server" as: "[a] server is a computer system that provides services to other computer systems—called clients— over a computer network." Merriam Webster defines "client" as: "a computer in a network that uses the services (as access to files or shared peripherals) provided by a server." Merriam Webster defines "server" as: "a computer in a network that is used to provide services (as access to files or shared peripherals or the routing of e-mail) to other computers in the network."

Neither source defines a peripheral as a computer, which the Examiner appears to be suggesting. Each definition for a client or a server begins with "a computer . . . that . . .."

Appellant is unaware of any source that defines a peripheral as a computer in a client-server architecture. The clients and the servers are computers, the fact that each may have peripherals and that each may supply their peripherals to the other is irrelevant because to have a client-server architecture one needs at least "two computers." This cannot be shown with any rationale interpretation of Bennett.

These definitions are consistent with how these terms are understood and used by those of ordinary skill in the art. The Examiner has to contort these definitions away from their plain usage and meaning to find any remote possibility that the Bennett reference includes a network let alone a client-server architecture. There is no such teaching at all in Bennett to support a client-server arrangement or even a network. The Examiner appears to suggest that local internal bus communications between a single device's components is a network; however, even if this is found to be the case (which Appellants believe it cannot since it directly contradicts with how network is used in the art and defined in publications) there is still no reasonable and rationale way in which Bennett can be said to teach a client-sever arrangement or architecture.

To follow the Examiner's proposed interpretation of "network," "client," and "server" would effectively make these standard used industry terms irrelevant such that any device is a client and server architecture having networked communications. This is not the case and Appellant asserts it may in fact be irrational and a violation of the Administrator Procedure Act requiring some reasonable explanation for an administrative decision on the part of a governmental agency. Appellant respectfully assets that it is not reasonable and it is not rationale to assume a standalone print station of Bennett that has no network capabilities whatsoever is in fact network enabled and a client-server architecture.

Additionally, even if by some chance the Board disagrees with the Appellant there is still not teaching whatsoever in Bennett where a printer agent is separate and apart from a printer. Therefore, notwithstanding how these terms are ultimately adjudicated by the Board, the Bennett reference still teaches a single device called a print station that does not have a separate print or printer agent and that does not provide a server to house the agent apart from the printer. Thus, if the Board would rather not address specifically the meaning of the terms network, client, and server, Appellant asserts that the Board does not have to and can dispose of this matter simply because the Bennett reference lacks any teaching where a print agent is separate and apart from a

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printer. The print agent if present at all in Bennett is in fact integrated with and part of the printer.

In fact, Appellant would like to go so far as to suggest that the Bennett reference is entirely irrelevant to what Appellant has taught. Bennett is a single monolithic and standalone non networked print station developed with the art in 1990, if not sooner. Appellant has taught a distributed client-server printing accounting mechanism separate and apart from a network printer. The two are in fact opposites of one another and teach completely away from one another.

Thus, Bennett fails to teach each and every element of independent claims 1, 5, and 12; consequently, Appellant respectfully requests reversal of the § 102(b) rejections.

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8. SUMMARY

For the reasons argued above, independent claims 1, 5, and 12 were not properly rejected under § 102(b) as being unpatentable over Bennett.

It is respectfully submitted that the art cited does not render the claims anticipated and that the claims are patentable over the cited art. Reversal of the rejections and allowance of the pending claims are respectfully requested.
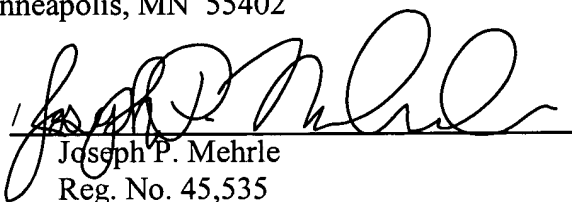
Respectfully submitted,

F. D. TAYLOR et al.

By their Representatives,

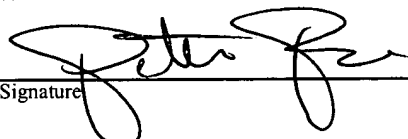SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402

Date ____03/19/07_____   By /_____/
                                        Joseph P. Mehrle
                                        Reg. No. 45,535

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___Peter Robertson_____   _____
Name   Signature

CLAIMS APPENDIX

1.   A communication interface between an accounting application and a printer agent application executing on a computer network, the interface comprising:

application programming interface (API) functions exchanged and bound between applications that provide accounting support services, wherein the accounting support services are directed to a print job, and the print job is directly received by a printer agent from a print client, the printer agent and the accounting support services reside on a server within a network, and wherein the accounting support services include tracking production of the print job and computer network resources consumed by the job, the API functions comprising a first print service API that is called by the printer agent before the print job is created and sent to a printer and that enables the accounting application to one of reject the print job, accept the print job and instruct the printer agent to place an accounting hold on the print job, and wherein the accounting support services are separate and apart from the printer agent and the printer agent is separate and apart from the printer.

2.   The communication interface of Claim 1 wherein the API functions further comprise a second print service API that is called by the printer agent after the print job is created and before the job is scheduled for processing, the second print service API including (i) a job identifier for use by the accounting application to evaluate and act upon attributes of the job and (ii) a file path to a document data file associated with the job.

3.   The communication interface of Claim 2 wherein the API functions further comprise a third print service API that is called by the printer agent when processing of the print job is complete, the third print service API including the job identifier and the file path to the document data file associated with the job, the file path used by the accounting application to evaluate the completed job and perform accounting operations.

4.   The communication interface of Claim 3 wherein the accounting application and printer agent execute on a print server of the computer network, and wherein the API functions facilitate computing of charges by the accounting application for print services and materials used by a print client of the computer network.

5.   A method for communicating between applications executing on a computer network, the method comprising the steps of:

        providing an accounting application configured to run on a first device coupled to the network;

        providing a printer agent application configured to run on a second device coupled to the network, the printer agent interacting with a printer on the network and containing information about the printer, and wherein the first and second device reside in a server within the network; and

        exchanging application programming interface (API) function calls and binding the same between applications that provide accounting support services for a print job, and wherein the print job is directed to the printer via the printer agent, the accounting support services include tracking production of the print job and resources consumed by the print job, wherein the accounting support services are separate and apart from the printer agent and the printer agent is separate and apart from the printer, and wherein the print job is received from a print client over the network.

6.   The method of Claim 5 wherein the first device is a computer and the second device is the printer, and wherein information contained in the printer agent comprises a network address of the printer and a status of the printer.

7.   The method of Claim 5 wherein the step of exchanging comprises the step of calling a first print service API at the printer agent before the print job is created, the first print service API enabling the accounting application to one of reject the print job, accept the print job and instruct the printer agent to place an accounting hold on the print job.

8.   The method of Claim 7 wherein the step of exchanging further comprises the step of calling a second print service API at the printer agent after the print job is created and before the job is scheduled for processing, the second print service API including (i) a job identifier for use by the accounting application to evaluate and act upon attributes of the job and (ii) a file path to a document data file associated with the job.

9.   The method of Claim 8 wherein the step of exchanging further comprises the step of calling a third print service API at the printer agent when processing of the print job is complete, the third print service API including the job identifier and the file path to the document data file with the job, the file path used by the accounting application to evaluate the completed job and perform accounting operations.

10.   The method of Claim 9 further comprising the step of registering the accounting application with the printer agent to provide the printer agent with addresses for the API print service calls.

11.   The method of Claim 10 further comprising the steps of, wherein the first and second devices comprises a single print server:

        obtaining information about the print job at the accounting application using the API function calls; and

        using the obtained information to leverage functions directed to acquiring and setting attributes for the print job, thereby extending the utility of the attribute functions for the accounting application.

12.   A computer readable medium containing executable program instructions for
communicating between applications executing on a computer network, the executable program
instructions comprising program instructions for:

       configuring an accounting application to run on the computer, which is a server in a client
server network arrangement;

       configuring a printer agent application to run on the computer, the printer agent
interacting with a printer on the network and containing information about the printer; and

       exchanging application programming interface (API) function calls and binding the same
between applications that provide accounting support for services relating to a print job, which is
received by the printer agent and directed to the printer, the accounting support services include
tracking production of the print job and computer resources consumed by the print job, and
wherein the accounting support services are separate and apart from the printer agent and the
printer agent is separate and apart from the printer, and wherein the print job originates from a
print client over the network and within the client server network arrangement.

13.   The computer readable medium of Claim 12 wherein the program instruction for
exchanging comprises the program instruction for calling a first print service API at the printer
agent before the print job is created, the first print service API enabling the accounting
application to one of reject the print job, accept the print job and instruct the printer agent to
place an accounting hold on the print job.

14.   The computer readable medium of Claim 13 wherein the program instruction for
exchanging further comprises the program instruction for calling a second print service API at
the printer agent after the print job is created and before the job is scheduled for processing, the
second print service API including (i) a job identifier for use by the accounting application to
evaluate and act upon attributes of the job and (ii) a file path to a document data file associated
with the job.

15.   The computer readable medium of Claim 14 wherein the program instruction for

exchanging further comprises the program instruction for calling a third print service API at the

printer agent when processing of the print job is complete, the third print service API including

the job identifier and the file path to the document data file associated with the job, the file path

used by the accounting application to evaluate the completed job and perform accounting

operations.

16.   The computer readable medium of Claim 15 further comprising the program instruction

for registering the accounting application with the printer agent to provide the printer agent with

the addresses for the API print service calls.

17.   The computer readable medium of Claim 16 further comprising program instructions for,

wherein the computer is a print server:

        obtaining information about the print job at the accounting application using the API

function calls; and

        using the obtained information to leverage functions directed to acquiring and setting

attributes for the print job, thereby extending the utility of the attribute functions for the

accounting application.

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EVIDENCE APPENDIX

None.

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<u>RELATED PROCEEDINGS APPENDIX</u>

None.

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